

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
In re REFCO INC. SECURITIES LITIGATION : Case No. 07-MD-1902(GEL)
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This Document Relates to:

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KENNETH M. KRYS and CHRISTOPHER :
STRIDE, as JOINT OFFICIAL LIQUIDATORS :
of SPHINX LTD., SPHINX STRATEGY FUND : Case No. 08-cv-3065
LTD.; :
SPHINX PLUS SPC LTD., SPHINX :
DISTRESSED LTD., SPHINX MERGER :
ARBITRAGE LTD.; SPHINX SPECIAL :
SITUATIONS LTD., SPHINX MACRO LTD.; : **STATEMENT**
SPHINX LONG/SHORT EQUITY LTD.; : **OF PLAINTIFFS**
SPHINX MANAGED FUTURES LTD.; SPHINX : **PURSUANT TO**
EQUITY MARKET NEUTRAL LTD.; SPHINX : **BANKRUPTCY**
CONVERTIBLE ARBITRAGE LTD.; SPHINX : **RULE 9027**
FIXED INCOME ARBITRAGE LTD.; SPHINX :
DISTRESSED FUND SPC; SPHINX MERGER :
ARBITRAGE FUND SPC; SPHINX SPECIAL :
SITUATIONS FUND SPC; SPHINX MACRO :
FUND SPC; SPHINX LONG/SHORT EQUITY :
FUND SPC; SPHINX MANAGED FUTURES :
FUND SPC; SPHINX EQUITY MARKET :
NEUTRAL FUND SPC; SPHINX :
CONVERTIBLE ARBITRAGE FUND SPC; :
SPHINX FIXED INCOME ARBITRAGE FUND :
SPC; PLUSFUNDS MANAGED ACCESS FUND :
SPC LTD.; KENNETH M. KRYS and :
CHRISTOPHER STRIDE as assignees of claims :
assigned by MIAMI CHILDREN'S HOSPITAL :
FOUNDATION, OFI, GREEN & SMITH :
INVESTMENT MANAGEMENT LLC, THALES :
FUND MANAGEMENT LLC, KELLNER :
DILEO & CO., LLC, MARTINGALE ASSET :
MANAGEMENT LP, LONGACRE FUND :
MANAGEMENT LLC, ARNHOLD & S. :
BLEICHROEDER ADVISERS LLC, PICTET & :
CIE, RGA AMERICA REINSURANCE :
COMPANY, DEUTSCHE BANK (SUISSE) SA, :
ARAB MONETARY FUND, HANSARD :
INTERNATIONAL LTD., CONCORDIA :

ADVISORS LLC, GABELLI SECURITIES, INC.,
CITCO GLOBAL CUSTODY; and JAMES
P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK
KAVANAGH; BRIAN OWENS;
PRICEWATERHOUSECOOPERS L.L.P.; MARI
FERRIS; PRICEWATERHOUSECOOPERS
CAYMAN ISLANDS; GIBSON, DUNN &
CRUTCHER LLP; REFCO ALTERNATIVE
INVESTMENTS LLC; GRANT THORNTON
LLP; MARK RAMLER; ERNST & YOUNG U.S.
LLP; MAYER BROWN LLP f/k/a MAYER
BROWN ROWE & MAW LLP; JOSEPH
COLLINS; EDWARD S. BEST; PAUL KOURY;
PHILLIP R. BENNETT; ROBERT C. TROSTEN;
TONE GRANT; SANTO MAGGIO; THOMAS
HACKL; DENNIS KLEJNA; BAWAG P.S.K.
BANK FUR ARBEIT UND WIRTSCHAFT UND
OSTERREICHISCHE POSTPARKASSE
AKTIENGESELLSCHAFT; JP MORGAN
CHASE & CO.;
CREDIT SUISSE SECURITIES
(USA) LLC f/k/a CREDIT SUISSE FIRST
BOSTON LLC; BANC OF AMERICA
SECURITIES LLC; THOMAS H. LEE
PARTNERS, L.P.; THOMAS H. LEE
ADVISORS, LLC; THL MANAGERS V, LLC;
THL EQUITY ADVISORS V, L.P.; THOMAS H.
LEE EQUITY FUND V, L.P.; THOMAS H. LEE
PARALLEL FUND V, L.P.; THOMAS H. LEE
EQUITY (CAYMAN) FUND V, L.P.; THOMAS
H. LEE INVESTORS LIMITED PARTNERSHIP;
1997 THOMAS H. LEE NOMINEE TRUST;
THOMAS H. LEE; DAVID V. HARKINS;
SCOTT L. JAECKEL; SCOTT A. SCHOEN;
WILLIAM T. PIGOTT; LIBERTY CORNER
CAPITAL STRATEGIES, LLC; EMF
FINANCIAL PRODUCTS LLC; EMF CORE
FUND LTD.; DELTA FLYER FUND LLC; ERIC
M. FLANAGAN; INGRAM MICRO, INC.; CIM
VENTURES, INC.; BECKENHAM TRADING
CO., INC.; ANDREW KRIEGER; COAST
ASSET MANAGEMENT, LLC, f/k/a COAST

ASSET MANAGEMENT LP; CS LAND	:
MANAGEMENT LLC; CHRISTOPHER	:
PETTIT; and REFCO GROUP HOLDINGS,	:
INC.; and REFCO ASSOCIATES, INC.,	:
	:
Defendants	:
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Plaintiffs Kenneth M. Kryz and Christopher Stride, as Joint Official Liquidators (the “JOLs”) of SPhinX, Ltd., SPhinX Macro Fund SPC, SPhinX Macro, Ltd., SPhinX Managed Futures Fund SPC, SPhinX Long/Short Equity Fund SPC, SPhinX Convertible Arbitrage Fund SPC, SPhinX Fixed Income Arbitrage Fund SPC, SPhinX Distressed Fund SPC, SPhinX Merger Arbitrage Fund SPC, SPhinX Special Situations Fund SPC, SPhinX Equity Market Neutral Fund SPC, SPhinX Strategy Fund, Ltd., SPhinX Plus SPC, Ltd., SPhinX Managed Futures, Ltd., SPhinX Long/Short Equity, Ltd., SPhinX Convertible Arbitrage, Ltd., SPhinX Fixed Income Arbitrage, Ltd., SPhinX Distressed, Ltd., SPhinX Merger Arbitrage, Ltd., SPhinX Special Situations, Ltd., SPhinX Equity Market Neutral, Ltd., and PlusFunds Managed Access Fund SPC, Ltd., and as assignees of claims assigned by Miami Children’s Hospital Foundation, OFI, Green & Smith Investment Management LLC, Thales Fund Management LLC, Kellner Dileo & Co., LLC, Martingale Asset Management LP, Longacre Fund Management LLC, Arnhold & S. Bleichroeder Advisers LLC, PicTet & Cie, RGA America Reinsurance Company, Deutsche Bank (Suisse) SA, Arab Monetary Fund, Hansard International Ltd., Concordia Advisors LLC, Gabelli Securities, Inc., Citco Global Custody, and James P. Sinclair, as Trustee of the SPhinX Trust created by the Fifth Amended Plan of Liquidation of PlusFunds Group, Inc., (collectively, “Plaintiffs”), by and through their undersigned counsel, hereby respectfully submit this Statement pursuant to Rule 9027(e)(3) of the Federal Rules of Bankruptcy Procedure.

1. Plaintiffs deny the allegation in the Notice of Removal of Action, dated March 26, 2008, filed by Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft (“BAWAG”), that, upon removal, the action commenced in the Supreme Court for the State of New York, New York County, Index No. 600653/08 (the “State Court Action”) will constitute a core proceeding.

2. Plaintiffs do not consent to entry of final orders or judgments by the Bankruptcy Court with respect to the claims asserted in Plaintiffs’ complaint.

3. The filing of this Bankruptcy Rule 9027(e)(3) statement does not constitute: (a) consent by Plaintiffs to the jurisdiction of the Bankruptcy Court with respect to the subject matter of the removed claim or causes of action, any objection or other proceeding commenced with respect thereto, or any other proceeding commenced in this case against or otherwise involving Plaintiffs; (b) a waiver or release of Plaintiffs’ rights against any of the defendants in the State Court Action, or any other person, entity or property, or any property as to which Plaintiffs possess a claim; or (c) an election of remedies.

4. Plaintiffs reserve the right to: (a) seek remand, abstention or, if applicable, withdrawal of the reference with respect to the removed claims or causes of action; (b) amend or supplement this Bankruptcy Rule 9027(e)(3) statement; and (c) trial by jury and such other appropriate relief as may be just in connection with any hearing or trial pertaining to the claims or causes of action herein. Plaintiffs expressly reserve all of their rights and remedies.

Dated: New York, New York
April 4, 2008

Respectfully submitted,

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I hereby certify that on April 4, 2008, a Statement of Plaintiffs Pursuant to Bankruptcy Rule 9027 was served on all parties to this action via Federal Express, as listed below:

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